

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

U.S.A. vs. Wilbur Butler

Docket No. 7:02-CR-93-1F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Wilbur Butler, who was found guilty of 21 U.S.C. § 846, Conspiracy to Distribute Cocaine, Cocaine Base (Crack) and § 841, Oxycodone (OxyContin), 21 U.S.C. § 841, Distribution of Approximately 14 Grams of Cocaine Base (Crack), and 18 U.S.C. § 841, Distribution of Approximately 28 Grams of Cocaine Base (Crack), and was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 17, 2003, to the custody of the Bureau of Prisons for a term of 212 months. On May 20, 2009, the term of imprisonment was reduced to 170 months, pursuant to 18 U.S.C. §3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall pay a fine of \$9,990, and a \$300 special assessment.

Wilbur Butler was released from custody on January 14, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 2, 2014, the defendant was stopped by the Brunswick County Sheriff's Department for suspicion of driving while impaired. He failed the field sobriety test and was observed having blood shot eyes, slurred speech, and he was unsteady on his feet. The defendant

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refused to submit to a blood alcohol breath test and was arrested and charged with Driving While Impaired. The charge remains pending trial in Brunswick County District Court. Mr. Butler contacted the probation officer and reported this arrest and admitted to drinking approximately 3 beers before driving. As such, we are recommending supervision be continued but modified to require the defendant to serve two weekends in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 weekends, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: 910-815-4857
Executed On: September 26, 2014

ORDER OF COURT

Considered and ordered this 26 day of September, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge